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General Assembly

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Fifty-eighth session
Fifth Committee
Agenda item 17 (e)
Appointments to fill vacancies in subsidiary organs and other appointments

Appointment of members of the United Nations Administrative Tribunal

Note by the Secretary-General

1. As indicated in document A/58/105 of 8 July 2003, the General Assembly will be required, during its current session, to appoint two persons to fill the vacancies that will occur in the membership of the United Nations Administrative Tribunal for a four-year term of office beginning on 1 January 2004.

2. The following persons have been nominated by their respective Governments for apointment or reappointment:

Julio Barboza (Argentina);

Dayendra Sena Wijewardane (Sri Lanka).

3. The candidates' curricula vitae follow.

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Julio Barboza (Argentina)

Ambassador Julio Barboza has been a member, Special Rapporteur and President of the UN International Law Commission. At present he is President of the UN Administrative Tribunal

STUDIES

LLB, Buenos Aires National University School of Law. Master of Laws (Cum Laude) in Comparative Law, Southern Methodist University Law School, Dallas, Texas, USA. Courses of International Law in Columbia University (New York). Later, course of the Academy of International Law. The Hague, Netherlands and in the Institute for the Foreign Service (Course for Counselors). Seminar on peace-keeping operations, organized by the International Peace Academy and the Peruvian Diplomatic Academy, Lima, Peru.

TEACHING ACTIVITY

- In Argentina.

Profesor of International Law at the Institute for the Foreign Service (Instituto del Servicio Exterior), the Argentina Catholic University and Belgrano University.
Former profesor in Buenos Aires National University, (UBA), Salvador University, Catholic University of Córdoba.

- Abroad

Visiting profesor of Civil Law in Southern Methodist University, Dallas, Texas, USA.
Visiting professor at the Inter-American Institute of International Law, of the Organization of American States, in Rio de Janeiro, Brazil.
In 1994 he gave a course in the Academy of International Law, The Hague, on International Liability for the Injurious Consequences of Acts not prohibited by International Law and the Protection of the Environment and in 1999, in the same Academy, a course on International Criminal Law"

PUBLICATIONS

Books

- In Argentina.

Derecho Internacional Público (Public International Law) A textbook, Zavalía Publishers, Buenos Aires, 999.

- Abroad

International Liability for the Injurious Consequences of Acts not Prohibited by International Law and the Protection of the Environment (Martinus Nijhof Publishers, Dordrecht, Boston, London) 1997.
International Criminal Law. Kluwer, 2000

Articles and notes

- In Argentina

"La enseñanza en las escuelas de derecho de los Estados Unidos" (Legal Education in the Law School of the United States), published in "La Ley", Buenos Aires, 16 and 17 September, 1954.
"Norma y realidad en los delitos de omisión" (Legal norm and reality of crimes by ommission), published in "Del pensamiento jurídico argentino actual" (Today's Argentine Legal Thinking) Arayu Editorial, Buenos Aires, 1952.
"Objeto y facultad calificadora en el asilo diplomatico" (Diplomatic asylum: its object and the power to qualify the offense), published in Jurisprudencia Argentina,1959 and in "Revista Peruana de Jurisprudencia", 1960.
"Traspaso de la jurisdiccion compulsoria de la Corte Permanente a la Corte Internacional de Justicia. (Transfer of the compulsory jurisdiction from the Permanent Court to the International Court of Justice). "La Ley", 1961.
"Individuo, Comunidad y Derecho Internacional" (The individual, the community and international law" published in Jurisprudencia Argentina, February 16, 1967.

"The Beagle Channel Affair", American Journal of International Law, vol. 71, No 4, October 1977, under the pen name of "F.V."
"Necessity (revisited) in international law". Essays in International Law in honour of Judge Manfred Lachs. Martinus Nijhoff, The Hague, 1984.
"El derecho de los cursos de agua internacionales en la Comisión de Derecho Internacional de las Naciones Unidas" (The law of international watercourses at the I.L.C.), published in
"Revista argentina de derecho militar", Buenos Aires, April 1984.
"The international personality of the individual", in "Studi in onore di Giuseppe Sperduti, Rome, 1984. Giuffre Publishers.
"El principio bioceánico" (The bi-oceanic principle) in the Beagle Channel Affair, Revista del Centro de Investigación y Acción Social, Buenos Aires, March, 1985.
"La necesidad en el Derecho Internacional", (Necessity in International Law). Anuario de la Asociación Argentina de Derecho Internacional, (Yearbook of the Argentine Association for International Law), 1985.
"Las cláusulas de las islas" (Beagle: the islands clauses), Revista del Centro de Investigación y Acción Social, Buenos Aires, November, 1985.
"La Comision de Derecho Internacional de las Naciones Unidas" (The U.N. International Law Commission). Anuario de la Asociación Argentina de Derecho Internacional. (Yearbook of the Argentine Association for International Law) 1988.
"Responsabilidad de los Estados por hechos ilícitos" (State responsibility for wrongful acts", Revista del Colegio de Abogados de Buenos Aires, 1986
"La responsabilit. "causale" a la Commission de Droit International" ("Strict liability" at the ILC), Annuaire Francais de Droit International, Paris, 1989.
"La responsabilidad internacional en la Convencion para la reglamentación de las actividades sobre recursos minerales antárticos" (International responsibility in the Convention on activities for Antartic mineral ressources", published by the CARI (Consejo Argentino para las Relaciones Internacionales), 1990.
"Responsabilidad internacional por actos no prohibidos" (International liability for acts not prohibited), Revista del Colegio de Abogados de Buenos Aires, August, 1990.
Spanish translation of "Towards a realistic jurisprudence", by Professor Alf Ross, under the title "Hacia una ciencia del derecho realista", Buenos Aires, 1965.
"La Convención de Protección de la Diversidad Biológica de las Naciones Unidas",(The UN Convention on Protection of Biological Diversity), in the book "Evolución reciente del derecho ambiental internacional" (Recent Evolution of International Environmental Law), Editorial A-Z, Buenos Aires, 1993.
"La responsabilidad en el Protocolo al Convenio de Basilea" (Liability Protocol to the Basel Convention) in "Revista de politica y derecho ambientales en América Latina y en el Caribe". (Review of Environmental Policy and Law in Latin America and the Caribbean) Vol. 1, NBA 2, 1994.
"La responsabilidad sine delicto en el derecho internacional". (Sine Delicto Liability in International Law) Anuario del Instituto Hispano-Luso-Americano de Derecho Internacional.1994.
"Sine delicto" (Causal) liability and Responsibility for Wrongful Acts in International Law"in the ILC publication International Law in the Eve of the Twenty - first Century. Views from the International Law Commission. United Nations, New York, 1997.
"The ILC and Environmental Damage" in the book Harm to the Environment. The right of Compensation and the Assessment of Damages. Edited by Peter Wetterstein. Clarendon Press, Oxford.
"La democracia representativa en el sistema interamericano", (Representative Democracy in the Inter.-American System) Published in Estudios de derecho internacional en homenaje al Profesor Rey Caro. Córdoba, Argentina, 2002.
"Los crímenes contra la Humanidad", (Crimes against Humanity) Published by the Buenos Aires National Academy of Law and Social Sciences, Buenos Aires 2002.
"Legitimidad de los tribunales ad hoc creados por el Consejo de Seguridad", Legality of the ad-hoc Tribunals created by the Security Council, published in La evolucion del derecho internacional a trav.s de los organismos internacionales, (Evolution of International Law through International Organizations) Consejo Argentino para las relaciones internacionales, (Argentine Council for Foreign Relations) Buenos Aires, 2002.

- Abroad

"The Beagle Channel Affair". American Journal of International Law. Vol 71,NBA4. October 1977. unde pen name "F.V."
"Necessity (Revisited) in International Law". In Essays in International Law in Honour of Judge Manfred Lachs, Martinus Nijhoff, The Hague, 1984.
"The International Personality of the Individual", in "Studi in onore di Giusseppe Sperduti, Rome 1984. Giuffre Publishers.
"La responsabilite "causale" la Commission de Droit International "Annuaire francais de droit internation Paris, 1989
"La responsabilidad sine delicto en el derecho internacional". ("Sine delicto Liability in International Law" In Anuario del Instituto Hispano-luso-americano-filipino de derecho international. 1994.
"Sine delicto (Causal) Liability and Responsibility for Wrongful Acts in International Law." In the ILC publication International Law in the Eve of the Twenty-First Century. Views from the International Law Commission. United Nations, New York, 1997.
"The ILC and Environmental Camage" in the book Harm to the Environment. The Right of Compensation and the Assessment of Damages. Edited by Peter Wetterstein. Clarendon Press. Oxford.
"The Saga of Liability in the International Law Commission", in Melanges offerts E0 Hubert Thierry, Paris 1998.
"Le point de vue et le role des Etats " in La codification du droit international , Colloque d'Aix en Provence de la Societ, Francaise pour le droit international. Paris, 1998.
" The Customary Rule: from Chrisalis to Butterfly " in Liber Amicorum in Memoriam of Judge José, Maria Ruda, Kluwer Law International, The Hague, 2000.
"State Crimes: a Decaffeinated Coffee in The International Legal System in Quest of Equity and Universality, Kluwer Law International, The Hague, 2001.
Eleven annual reports on the subject of Liability for the Injurious Consequences of Acts Non Prohibited by International Law (1985-1995)
Also, eleven reports, as Special Rapporteur in the topic "International Liability for the Injurious Consequences of Acts nor Prohibited by International Law". They were published in the oficial languages of the UN as documentos of the International Law Commission.

OFICIAL POSITIONS.
Has been Legal adviser, Argentine Ministry of Foreign Affairs, Ambassador in Poland and Czechoslovaquia Agent for the Argentina Government in the Beagle Channel Affair. As a career diplomat, has been posted in several Argentine Embasies abroad. Regional Governor of ACIEI.

MEMBERSHIP IN INTERNATIONAL LAW SOCIETIES.
Formerly, International Law Association, American Association of International Law; at present: Asociación argentina de derecho internacional, Societ. francaise pour le droit international.
Instituto Hispano-luso-americano-filipino de derecho internacional, ICEL (International Council of Environmental Law); IUCN (International Union for the Conservation of Nature). Committee of Maritime and International Law of the National Academy of Law of Argentina.

CONFERENCES.
Conferences were delivered in numerous occasions, such as at the International Law Commission's Seminar, at the Institute of High International Studies of Geneva, Switzerland; at the School of Law of the National University of Buenos Aires, at the Association of the Bar of the City of New York, at the Catholic University of Buenos Aires and at the Argentine Council for Foreign Relations (CARI), among other academic fora in Argentina and abroad.

PARTICIPATION IN INTERNATIONAL EVENTS
In the course of his diplomatic career, he participated in numerous international events as Argentine delegate, particularly in those under the auspices of the UN.
As private expert, the following events may be mentioned:

- In January 1988 he participated, as chairman of a workshop, at the invitation of the Government of Canada, in the preparation of a draft framework convention on climatic protection.
- In November 1989 and April 1990, he participated as expert Rapporteur at the invitation of the International Atomic Energy Commission in the preparation of the modifications to the Vienna and Paris Convention on responsibility for nuclear damages.
- In 1989, at UNEP invitation, he chaired a group of experts to draft the elements of a protocol on liability and compensation to the Convention on Dangerous Wastes and their Elimination. In Geneva and Nairobi he chaired another group of experts on the same subject. (1991 and 1992)
- In the successive conferences on the Protection of Biological Diversity, he chaired the Argentine Delegation that took place in Nairobi, Kenya and Madrid, Spain. Those conferences lead to the respective Convention in 1992.
- At the invitation of UNEP, he participated in the Geneva meeting on the revision of the Montevideo Program.
- He participated in the drafting by experts summoned by IUCN of a draft convention on the conservation of the environment and the sustainable utilization of natural resources (Bonn, September of 1992 and 1993).
- He participated in the Group of Experts on Liability and Compensation for Environmental Damage Caus; by Military Activities sponsored by UNEP and FIELD (Foundation for International Environmental Law and Development) Two meetings in London and one in Geneva)
- At the invitation of the British Government and the Comisi€n of the European Union, he chaired in London (end of June, 1998) a meeting of experts on the inclusion of articles on liability and compensation for damages caused by modified living organisms in the Protocol of Biosafety (In the framework of the Convention on Protection of Biological Diversity)

Buenos Aires, 2003.

Dayendra Sena Wijewardane (Sri Lanka)

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Professional Experience

The Legal Adviser and General Counsel United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) (D2). Retired in September 1997. Recalled as General Counsel from September 2000 to December 2002.

Served also as Director of Personnel, and Director, UNRWA Liaison Office (New York). Served for many years as a member of the Agency's General Cabinet and in its principal committees including the Personnel Resources and the Executive Committees. In addition to the overall responsibility for planning, directing and supervising the legal functions of the Agency, the General Counsel was responsible for advising on complex and sensitive issues, both legal and extra legal, relating to the functions, structures and activities of the Agency, on policy, programme and other matters having constitutional and legal aspects, and on the Israeli-Palestinian Agreements.

In addition to managing the Legal Department of UNRWA composed of its 12 Legal Officers and consultants in the Headquarters and fields of operation, The Legal Adviser was in charge of relations with the Occupying Israeli Authority in the Gaza Strip and the West Bank, and subsequently, with the Palestinian Authority. Responding to the concerns of the international community, The Legal Adviser created and administered the Agency's programme of passive protection of the Palestinians during the first *Intifada*. The programme was composed of 23 professional staff deployed in the West Bank and the Gaza Strip reporting to the Legal Adviser. Created and controlled the strategic management of the Agency's Operational Support Officers' Programme to undertake *inter alia* initiatives for humanitarian access during the second *Intifada*, September 2000 onwards.

The Legal Adviser chaired the Headquarters Contracts Committee, and other Committees and Task Forces. He advised on Contracts and procurement matters and represented the Agency in Arbitrations and in the United Nations Administrative Tribunal. His responsibility included advising the Agency on the internal law of the organization, including the application of the Staff Regulations and Rules and the grievance procedures and processes of the Agency's 23,000 staff members.

Represented the Commissioner General and Deputy Commissioner General, UNRWA in their absence.

Barrister, Sri Lanka, 1960 – 1971

Full time legal practice with emphasis on litigation work, appellate and original level litigation. Representative clients included the Bank of Ceylon, Peoples Bank, the Ceylon Insurance Company, the Insurance Corporation of Ceylon, The Associated Newspapers of Ceylon Ltd., and its subsidiary companies. Represented Shell, Caltex and ESSO Companies of Ceylon in their claims for compensation arising out of the nationalisation by the Government of Sri Lanka of these petroleum companies in Sri Lanka. Served as Counsel for the Government of the United States in an Admiralty claim. Served for a number of years as Lecturer to the Council of Legal Education of Sri Lanka and Chairman of its Board of Examiners.

Mission Assignment

The Legal Adviser to the United Nations Mission in Kosovo (UNMIK).

October 1999 to April 2000, the Legal Adviser to the Special Representative of the Secretary General in Kosovo (SRSG). Under Security Council Resolution 1244, all legislative and executive authority over Kosovo is vested in the SRSG. The Legal Adviser's office, consisting of some 17 professional officers in HQ and many others in the region, had a central, legal and political role in the complex and unique peace keeping mission in Kosovo. The Legal Adviser's office in UNMIK drafted and reviewed legislative and executive instruments and provided advice in a complex variety of matters pertaining to all activities of a government including banking, business registration, taxation, telecommunication, transport, establishment of a Judiciary, law enforcement, elections, civil registration, municipal and regional administration, etc. Leader of the UN delegation to Skopje to negotiate the Status of Mission Agreement with the Government of Macedonia.

Professional Qualifications

- M.A. (Oxon), B.C.L. (Oxon), UK
- Diploma in International Law, Cambridge University, UK
- Barrister at Law (Middle Temple)
- Attorney at Law, Supreme Court, Ceylon

Education

- Royal College School, Colombo 1947-1954
- Jesus College, Oxford University 1954-1957/1958-1959
- London Middle Temple 1957-1958
- Trinity College, Cambridge University 1962-1963

Awards

- Welson Prize in Law, Jesus College, Oxford University
- Humanitarian Trust Scholar in Public International Law, Cambridge University 1962-1963

Publications

- Criminal Jurisdiction over Visiting Forces with Special Reference to International Forces, British Yearbook of International Law, Vol. 41 (1965-1966)
- The Ombudsman as a Reality in Southeast Asia, Working Paper to the Southeast Asian Colloquium, Colombo, January 1966

Additional Responsibilities

Governor and Chairman, Board of Governors, Vienna International School (Joint Venture between the UN Office of Vienna and the Government of Austria).

Personal Data

- Born: April 29th, 1935
- Married with two adult children
- Nationality: Sri Lankan